

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

<hr/> THE CLOROX COMPANY, Plaintiff, v. BYOPLANET INTERNATIONAL, LLC, Defendant.	x : : : : : : : : : : x	USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>12/10/2021</u>
--	---	--

Civil Action No. 1:21-cv-6454-MKV

**STIPULATION AND [PROPOSED] ORDER FOR SECOND EXTENSION OF TIME TO
RESPOND TO COMPLAINT**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for Plaintiff, The Clorox Company (“Plaintiff”), and Defendant, ByoPlanet International, LLC (“Defendant”) that:

1. On July 29, 2021, Plaintiff, The Clorox Co., initiated this action by filing the Complaint against Defendant. (D.N. 1.)
2. On November 11, 2021, the parties submitted a Stipulation and [Proposed] Order for Extension of Time to Respond to complaint to provide the opportunity for early resolution of this case. (D.N. 10.) The Court then entered an order extending the Defendant’s time to answer, move, or otherwise respond to the Complaint up to and including December 17, 2021. (D.N. 11.)
3. The parties have been working together in good faith to reach a compromise of the claims presented in this litigation. The parties believe that an additional extension of time may provide for early resolution of this case. Accordingly, the parties are submitting this stipulation to extend the deadline for responsive pleadings by an additional twenty-one (21) days.

4. Defendant's time to answer, move, or otherwise respond to the Complaint [Doc. No. 1] is hereby extended up to and including **January 7, 2022**, that deadline being twenty-one (21) days from December 17, 2021, the current deadline. *See* D.N. 11.

5. The extension afforded by this stipulation shall not be used as a basis by Defendant to oppose any motion for preliminary injunction that may be brought by Plaintiff; provided, however, that Defendant retains the right to argue that any such motion should be denied on the basis that Plaintiff has failed to introduce evidence of immediate, irreparable harm.

Respectfully submitted by:

/s/ Stephen M. Faraci, Sr.

Stephen M. Faraci, Sr.
New York State Bar No. 5052501
Virginia State Bar No. 42748
Whiteford, Taylor & Preston, LLP
Two James Center
1021 E. Cary Street, Suite 1700
Richmond, Virginia 23219
T: (804) 977-3307
F: (804) 977-3298
Email: sfaraci@wtaplaw.com

Michael J. Roeschenthaler (*pro hac vice* application forthcoming)
Kenneth J. Lund (*pro hac vice* application forthcoming)
Scott M. Hare (*pro hac vice* application forthcoming)
Anthony T. Gestrich (*pro hac vice* application forthcoming)
Whiteford, Taylor & Preston, LLP
11 Stanwix Street, Suite 1400
Pittsburgh, Pennsylvania 15222
T: (412) 275-2400
Email: MROeschenthaler@wtplaw.com
Email: KLund@wtplaw.com
Email: SHare@wtplaw.com
Email: AGestrich@wtplaw.com

/s/ Kahn Scolnick

Zainab N. Ahmad
Alexandra Perloff-Giles
Laura F. Erstad
Gibson, Dunn & Crutcher LLP
200 Park Avenue
New York, NY 10166
Telephone: 212.351.4000
E-mail: ZAhmad@gibsondunn.com
E-mail: APerloff-Giles@gibsondunn.com
E-mail: LErstad@gibsondunn.com

Theane Evangelis (*pro hac vice*)

Kahn Scolnick (*pro hac vice*)
Gibson, Dunn & Crutcher LLP
333 S. Grand Avenue
Los Angeles, CA 90071
Telephone: 213.229.7000
E-mail: TEvangelis@gibsondunn.com
E-mail: KScolnick@gibsondunn.com

Date: December 10, 2021

Answer due January 7, 2022. No further extensions of time to answer absent a showing of extraordinary circumstances,

IT IS SO ORDERED:

Mary Kay Vyskocil
MARY KAY VYSKOCIL
UNITED STATES DISTRICT JUDGE

Dated: December 10, 2021

New York, NY